

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

2023 MAY 18 AM 11:07

CLERK

BY

*SJL*  
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James T. Burke,

Plaintiff,

v.

Civil Action No. 5:21-cv-265-gwc-kjd

James Baker; Nicholas Deml, Commissioner;  
State of Vermont; Ms. Johnson,

Defendants.

**ORDER OF DISMISSAL**

On March 9, 2023, the court adopted the Report and Recommendation (“R&R”) of Magistrate Judge Kevin Doyle and dismissed Plaintiff James T. Burke’s Complaint without prejudice. (Doc. 56.) Mr. Burke was allowed sixty days, or until May 8, 2023, to file an Amended Complaint “on the limited basis” explained in the R&R and summarized by the court. The court determined that it would be futile for Mr. Burke to amend his complaint against the State of Vermont, Commissioner Deml, and Ms. Johnson, however, he “may attempt to cure his claims against Mr. Baker.” *Id.* at 5.

As of the date of this Order, no further filings have been received. Consequently, this case is DISMISSED WITHOUT PREJUDICE; the Clerk of Court is directed to close the case file.

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 18<sup>th</sup> day of May 2023.



Geoffrey W. Crawford, Chief Judge  
United States District Court